

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 PM-04 H-01 INR-07 L-03
NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 NSCE-00
SSO-00 USIE-00 INRE-00 EAE-00 /049 W
-----071119Z 095942 /12

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 867

INFO SECDEF IMMEDIATE

CINCPAC IMMEDIATE

CINCPACREPPHIL IMMEDIATE

C O N F I D E N T I A L SECTION 1 OF 3 MANILA 8839

CINCPAC ALSO FOR POLAD

E.O. 11652: GDS

TAGS: SHUM, MILL, RP

SUBJECT: DISCUSSION WITH SECRETARY ROMULO ON PERIMETER
SECURITY, GUARD DOGS AND OTHER BASES ISSUES

1. SUMMARY. IN A TWO-HOUR MEETING JUNE 7 SECRETARIES ROMULO, INGLES AND MACARAIG EVINced DEEP CONCERN AND EMOTION ABOUT THE RECENT DOG BITING INCIDENTS AT THE BASES AS WELL AS THE GENERAL PROBLEMS ATTENDING THE ISSUANCE OF OFFICIAL DUTY CERTIFICATES. THEY ARE NOT PERSUADED OF THE NEED FOR GUARD DOGS AND WOULD LIKE THEM MOVED OUT. I COUNTERED BY DESCRIBING IN DETAIL THE PROBLEM OF BASES SECURITY, INCLUDING THE EFFECTIVENESS OF GUARD DOGS IN THIS PROGRAM. I ALSO ADVANCED THE CONCEPT OF THE NEED FOR MORE EFFECTIVE TRESPASS LEGISLATION. IT WAS, I BELIEVE, A USEFUL DIALOGUE. BUT WE ARE FAR FROM SATISFYING THE GOP ON THESE MATTERS. END SUMMARY.

2. AT SECRETARY ROMULO'S REQUEST, I MET WITH HIM FOR
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TWO HOURS AFTERNOON OF JUNE 7 TO DISCUSS RECENT GUARD DOG INCIDENTS AND RELATED BASES ISSUES. UNDERSECRETARIES INGLES AND MACARAIG WERE ALSO PRESENT. ROMULO OPENED THE MEETING BY TERMING THE DOG BITING INCIDENTS A HIGHLY EMOTIONAL ISSUE IN THE PHILIPPINES, A QUESTION OF ANIMALS VERSUS HUMANS. HE SAID THAT THE PRESIDENT HAD RECEIVED REQUESTS FOR FIVE PROTEST DEMONSTRATIONS TO BE HELD BUT

THAT THE PRESIDENT WOULD NOT PERMIT THIS. HE ADDED THAT THE PRESIDENT HAD ALSO RECEIVED TELEGRAMS ABOUT THESE INCIDENTS FROM ALL OVER THE COUNTRY AND THE PEOPLE WERE CLEARLY EXCITED. HE THEN ASKED FOR MY VIEWS AS TO WHY MIGHT BE DONE TO QUIET DOWN THE SITUATION.

3. I AGREED THAT THE ISSUE WAS AN EMOTIONAL ONE AND THAT IT WOULD BE DESIRABLE TO DEFUSE THE PUBLIC CONTROVERSARY AND TO SEEK TO AVOID STIMULATION OF ADDITIONAL PUBLIC COMMENTARY ON THIS MATTER. I THEN PROCEEDED TO MAKE A BASIC PRESENTATION TO THE SECURITY PROBLEMS AT THE BASES, AS FOLLOWS:

QUOTE. SCOPE. INCURSIONS AND THEFTS AT THE CLARK AND SUBIC BASES REPRESENT A DIFFICULT AND COMPLEX PROBLEM OF MANY YEARS STANDING. TO COPE WITH THIS PROBLEM THE BASE COMMANDERS DEVOTE MUCH ATTENTION AND LARGE RESOURCES TO SECURITY. NONETHELESS, TRESPASSERS OVERRUN PROHIBITED BASE AREAS AND THEFTS IMPACT ADVERSELY ON OPERATIONAL READINESS. TOGETHER THERE ARE SOME 40 MILES OF PERIMETER SECURITY FENCING, MUCH OF WHICH HAS BEEN STOLEN OR DESTROYED BY INTRUDERS. AT SUBIC BAY THERE ALSO ARE MANY MILES OF UNFENCED COASTAL PERIMETER. THE GREATER PART OF THE AREA IN WHICH INTRUSIONS OCCUR IS ROUGH TERRAIN COVERED BY ELEPHANT GRASS AND OTHER DENSE FOILAGE WHICH MAKES IT VIRTUALLY IMPOSSIBLE TO DETECT INTRUDERS WITHOUT THE USE OF GUARD DOGS. A GREAT NUMBER OF INTRUSIONS, MOREOVER, TAKES PLACE AT NIGHT.

CHARACTERISTICS.

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DURING 1976 SEVERAL THOUSAND INTRUDERS WERE APPREHENDED AT THE TWO BASES, AND MANY MORE ESCAPED APPREHENSION. IMMEDIATELY AFTER THE DECLARATION OF MARTIAL LAW THERE WAS A REDUCTION IN SUCH TRESPASSING BUT THIS SITUATION HAS AGAIN DETERIORATED. SECURITY AT CLARK IS COMPLICATED FURTHER BY THE PRESENCE OF CRIMINAL ELEMENTS AND GANGS AND OF NPA INSURGENTS IN THE AREA. INTRUDERS ARE SELDOM PROSECUTED BY THE LOCAL AUTHORITIES. U.S. MILITARY COMMANDERS HAVE REPEATEDLY REQUESTED THE ENACTMENT OF EFFECTIVE AND ENFORCEABLE TRESPASS LEGISLATION, BUT POSITIVE ACTION HAS NOT BEEN TAKEN. AS A RESULT, MANY APPREHENDED INTRUDERS ARE "REPEATERS". FOR EXAMPLE, ONE INTRUDER HAS BEEN APPREHENDED MORE THAN 40 TIMES AND ANOTHER TWICE THAT NUMBER.

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INFO OCT-01 ISO-00 CIAE-00 PM-04 H-01 INR-07 L-03
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COSTS.

BOTH BASES SUFFERED REPORTED AND IDENTIFIABLE PROPERTY
LOSSES OF APPROXIMATELY \$2 MILLION IN 1976; ACTUAL LOSSES
PROBABLY RAN CONSIDERABLY HIGHER. LOSSES OF OFFICIAL
PROPERTY INCLUDED SUCH ITEMS AS FUEL, VALVES AND TELEPHONE
CABLE WHICH IMPINGED ON OPERATIONAL EFFICIENCY. THERE
ALSO WERE CONTINUING SUBSTANTIAL LOSSES OF PERSONAL PROPERTY
WITH NEGATIVE EFFECTS ON THE MORALE OF PERSONNEL AT THE
BASES.

RATIONALE.

APPROXIMATELY 2,000 PERSONNEL (LARGELY FILIPINOS) ARE ENGAGED
IN PERIMETER SECURITY AT CLARK AND SUBIC. THESE PERSONNEL ARE
ASSISTED BY SOME 200 GUARD DOGS AS AN INTEGRAL PART OF THE SECURITY
PROGRAM AT BOTH BASES. GUARD DOGS ARE WIDELY USED IN SUCH IN-
STALLATIONS IN THE UNITED STATES AND THROUGHOUT THE WORLD.
THEY HAVE BEEN EMPLOYED AT CLARK AND SUBIC FOR OVER TWENTY
YEARS AND ARE A RELATIVELY HUMANE AND IMPORTANT PSYCHOLOGICAL
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DETERRENT, REPRESENTING AS THEY DO, A REASONABLE USE OF FORCE
MUCH PREFERABLE TO THE USE OF FIREARMS IN PERIMETER SECURITY.
THE GUARD DOGS AT CLARK AND SUBIC ARE USED PRIMARILY IN
SENSITIVE AREAS SUCH AS AMMUNITION AND FUEL DUMPS, FLIGHT

LINES, NAVIGATION AID SITES, ETC. THAT THESE AREAS ARE RELATIVELY THEFT-FREE, COMPARED TO WHERE DOGS ARE NOT IN USE, SUGGESTS THE EFFECTIVENESS OF THE CANINE DETERRENT.

IN BRIEF.

THERE HAS BEEN A DRAMATIC INCREASE IN THE NUMBERS AND BOLDNESS OF INTRUDERS AT THE BASES DURING THE PAST FEW MONTHS. THE WORKING DOG TEAM OFTEN DOES NOT KNOW IF IT IS FACING A VAGRANT, A PROFESSIONAL OR AN INSURGENT. RESTRAINT HAS BEEN REMARKABLE IN THE CIRCUMSTANCES. WE WANT TO DO BETTER, BUT WE DO NEED HELP WITH PUBLIC UNDERSTANDING AND OFFICIAL SUPPORT. UNQUOTE. I LEFT WITH THE SECRETARY COPIES OF A BACKGROUND PAPER ON THESE POINTS.

4. ROMULO APPEARED LITTLE IMPRESSED WITH THE ARGUMENT THAT GUARD DOGS WERE A REASONABLE USE OF FORCE AND PREFERABLE TO THE USE OF FIREARMS IN PERIMETER SECURITY. WHEN I ASKED HIM WHAT HIS SUGGESTIONS WERE TO AMELIORATE THE PROBLEM, HE RESPONDED (A) REDUCE THE AREA OF THE BASES, (B) REMOVE THE DOGS, (C) AND EVEN, USE RUBBER PELLETS AND FIRE HOSES. LATER IN THE CONVERSATION HE ASKED AGAIN "IS THERE ANY WAY TO REMOVE THE DOGS?" HE INDICATED THAT HE FELT THE USE OF DOGS WAS AS BAD AS FIREARMS. CLEARLY HE WOULD PREFER THAT GUARDS USE NEITHER FIREARMS NOR GUARD DOGS. HE ASKED WHETHER INTRUDERS HAD EVER BEEN APPREHENDED CARRYING FIREARMS AND I RESPONDED, TO MY KNOWLEDGE, FIREARMS NO BUT KNIVES YES.

5. ROMULO CONTINUED THAT, WHILE HE DID NOT CONDONE THE
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ACTIONS OF THE INTRUDERS, THE U.S. MILITARY SHOULD EXERCISE A BIT OF CHARITY TOWARD THEM. THERE IS NEED FOR A MEASURE OF HUMAN COMPASSION. THE U.S. MILITARY, HE SAID, SHOULD RECOGNIZE THAT THEY ARE GUESTS OF THE PHILIPPINES AND SHOULD NOT ACT LIKE "ALMIGHTY KINGS".

6. IN RESPONSE TO THE SECRETARY'S REQUEST FOR ADDITIONAL IDEAS, I NOTED THAT WITHIN THE MUTUAL DEFENSE BOARD THERE HAS BEEN CONSIDERATION OF THE POSSIBLE ISSUANCE OF A PRESIDENTIAL DECREE CONCERNING THE APPREHENSION AND PROSECUTION OF TRESPASSERS. I SUGGESTED THAT SUCH A STEP MIGHT CONTRIBUTE TO AN IMPROVEMENT IN THE SECURITY SITUATION AT THE BASES AND THAT WE MIGHT ACCELERATE POLICY LEVEL CONSIDERATION OF THIS ACTION.

7. ROMULO AND MACARAIG THEN DIRECTED THE DISCUSSION

TO THE GAINES CASE AND ASKED FOR MY VIEW AS TO WHAT
COULD BE DONE TO DEFUSE THAT INCIDENT. I DECLINED TO BE
DRAWN INTO DETAILED DISCUSSION OF THE CASE EXCEPT TO NOTE
THAT THE FACTS AS I HAD RECEIVED THEM WERE SUBSTANTIALLY
DIFFERENT FROM SOME OF THE PUBLIC STATEMENTS THAT HAD
BEEN MADE ON THIS CASE AND THAT I HAD NO BASIS FOR BELIEVING
THAT GAINES HAD ACTED IMPROPERLY. I THEN
DIGRESSED TO POINT OUT THAT GAINES IS AN INTELLIGENT AND
REASONABLE MAN, MARRIED TO A FILIPINA AND ACUTELY SENSITIVE
TO THE CULTURAL AND PSYCHOLOGICAL ASPECT OF PHILIPPINE/
AMERICAN RELATIONS. I SUGGESTED THAT THE CRIMINAL JURIS-
DICTION IMPLEMENTATION COMMITTEE (CJIC) WOULD BE AN APPROPRIATE
FORUM WHICH COULD AFFORD THE DETAILED CONSIDERATION

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THE CASE WARRANTED. I NOTED THAT CJIC REVIEWED ABOUT
25 OFFICIAL DUTY CASES EACH YEAR AND THAT IT HAD A GOOD
TRACK RECORD IN HAVING RESOLVED SATISFACTORY ALL
CASES EXCEPT THREE.

8. THERE INSURED AN UNFOCUSSED DISCUSSION ABOUT
OFFICIAL DUTY CERTIFICATES, INCLUDING THE KIRWAN,
VERPLAETSE AND KING CASES. COMMENTING ON THE KIRWAN
CASE, MACARAIG ASKED WHAT COULD BE EXPECTED OF A U.S.
MARINE WHO HAD ONLY A FEW MONTHS' TRAINING BEFORE COMING

TO THE PHILIPPINES. HE ASSERTED THAT U.S. GUARDS ARE NOT
OBEYED WELL ENOUGH IN THE DELICACY OF DEALING WITH
PHILIPPINE NATIONALS. I REMINDED HIM THAT WE WERE
TALKING ABOUT A RELATIVELY VERY SMALL NUMBER OF INCIDENTS
OUT OF LITERALLY THOUSANDS OF CASES INVOLVING INTRUSIONS.
MACARAIG AND INGLES EVINCED GREAT SENSITIVITY
ABOUT UNILATERAL ACTION ON THE PART OF THE U.S. IN
MAKING THE FINAL DETERMINATION OF OFFICIAL DUTY. I REMARKED
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THAT, UNDER THE TERMS OF THE BASES AGREEMENT,
THERE WAS NOTHING I COULD DO ABOUT THIS. MACARAIG ADDED
THAT HE HAD DROPPED OUT OF PARTICIPATING IN THE CJIC
BECAUSE HE HAD FOUND NO ACCOMMODATION ON THE PART OF
U.S. OFFICIALS. AT ONE POINT MACARAIG COMPLAINED THAT
WHenever THE U.S. ASSERTS JURISDICTION IN A CASE, THE
GOP IS NEVER INFORMED OF SUBSEQUENT COURT MARTIAL OR
OTHER ACTION TAKEN BY U.S. AUTHORITIES. I PROMISED
TO LOOK INTO THIS. INGLES INSERTED SOME TESTY REMARKS
ALLEGING A LACK OF RESPONSE ON OUR PART IN NAMING
OFFICIALS TO PARTICIPATE IN DIPLOMATIC DISCUSSION OF
CERTAIN OFFICIAL DUTY CASES. I COMMENTED THAT THE PHILIP-
PINE NOTE ON THIS SUBJECT HAD BEEN RECEIVED JUST A FEW
DAYS AGO. ROMULO ADDED THAT, IN ADDITION TO GAINES,
THE VERPLAETSE CASE WAS A HIGHLY EMOTIONAL ONE FOR
FILIPINOS.

9. COMMENT: THE DISCUSSION WAS POINTED, FRANK, AT TIMES
HEATED, BUT GENERALLY IN A FRIENDLY MODE. MOST OF THE
PHILIPPINE COMMENTARY WAS REASONABLE ENOUGH ALTHOUGH
INGLES ENGAGED IN SOME SHARP INVECTIVE ON OFFICIAL DUTY
CASES AND OUR RECENT EXCHANGES OF NOTES ON
THIS SUBJECT. I AM NOT SURE WHAT WAS ACCOMPLISHED BY THE
MEETING. I BELIEVE IT WAS USEFUL TO GIVE THE GOP OUR
SIDE OF THE STORY ON BASE SECURITY PROBLEMS. BUT I
WAS ABLE TO OFFER VERY LITTLE TO SATISFY THEM ON THEIR
APPARENTLY GENUINE AND DEEP CONCERNS ABOUT THE USE
OF GUARD DOGS AND THE GENERAL PROBLEMS ATTENDING OFFICIAL
DUTY CERTIFICATES. WE ARE A LONG WAY FROM BEING OUT OF
THE WOODS.
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Message Attributes

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Disposition Date: 22 May 2009
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